

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

COUNCIL TOWER ASSOCIATION, )

Plaintiff, )

vs. )

Case No. 4:08CV1605 CDP

AXIS SPECIALTY INSURANCE )

COMPANY, )

Defendant. )

**ORDER**

Defendant Axis has asked for leave to take a limited deposition of Phillip Shinn, so that it may confirm statements attributed to Shinn in an unsigned declaration it filed with its motion for summary judgment. Axis' request to re-open discovery is denied, and Shinn's unsigned declaration (Exhibit J to docket entry #61) will be stricken from the record. Discovery in this case is closed. If this case goes to trial, Axis may certainly call Shinn as a witness if it decides to do so, but I will not re-open discovery at this time.

Accordingly,

**IT IS HEREBY ORDERED** that defendant's motion for leave to take a limited deposition of Phillip Shinn [#72] is **DENIED**.

**IT IS FURTHER ORDERED** that Exhibit J of defendant's motion for summary judgment, the unsigned declaration of Phillip Shinn is stricken from the record.

A handwritten signature in cursive script, reading "Catherine D. Perry".

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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 25th day of June, 2009.